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## MEMORANDUM

DATE November 13, 2008  
TO Butte County Planning Commission  
FROM Joanna Jansen and Tanya Sundberg  
RE **Agriculture Policies**

Agricultural enhancement and preservation have been key topics throughout the Butte County General Plan 2030 process. The Guiding Principles state that “[t]he General Plan shall address agriculture as an important aspect of Butte County’s economy that will be protected, maintained, promoted and enhanced.” To accomplish this, the General Plan 2030 update will build on the County’s existing Agriculture Element, adopted in 1995, while also considering new policies and strategies that have been successfully implemented elsewhere in California.

During the November 7, 2008 Planning Commission Study Session, the Planning Commission provided direction on policies pertaining to the topic of agriculture. Some of the policies that were considered were added by the Citizens Advisory Committee (CAC) and based on a presentation from the Northern California Regional Land Trust about agricultural preservation techniques. Specifically, the CAC recommended that a series of policies from the Stanislaus County General Plan and the American Farmland Trust be included in the Butte County General Plan.

As we mentioned during the November 7 meeting, many of these recommended policies need further refinement, clarification and review in order to be effective policies for Butte County General Plan 2030. This memorandum lists the Stanislaus County General Plan and American Farmland Trust policies that were recommended for inclusion and/or review by the CAC and Planning Commission, and provides our recommendations for how to incorporate them into the Butte County process. We have also listed some additional policies that we recommend the Planning Commission consider in conjunction with the Stanislaus County and American Farmland Trust policies.

*A. Stanislaus County General Plan Policies*

The following Stanislaus County policies were recommended for inclusion in the Butte County General Plan, in conjunction with a series of other policies from the Policy Alternatives document, in response to Question 11: “How should the County help to protect, maintain, promote and enhance its agricultural uses and resources?”

**1. Require 1:1 mitigation when a proposed project would require a zoning change from an agricultural designation to a residential designation.**

DC&E recommends that this policy be clarified to the following action item:

*Create an agricultural mitigation ordinance in which developers will be required to permanently protect 1 acre of agricultural land for every 1 acre of land that is proposed for conversion from agricultural to residential use. The ordinance may include the option of paying an in-lieu fee that would contribute to an agricultural resource protection fund. The ordinance will establish mitigation standards that address the valuation and geographic location of agricultural land.*

**2. Encourage higher density and infill development in existing urban areas.**

Rather than establishing a General Plan policy to encourage higher density and infill development in existing urban areas, DC&E recommends that the General Plan actively implement this policy through its Land Use Map and land use designations rather than as a stand-alone policy.

**3. Discourage subdivision of agriculturally-designated land into residential parcels or ranchettes.**

The existing Butte County Agriculture Element contains Policy 2.7 and Program 2.7, which address the subdivision and conversion of agricultural land. These policies are currently being reviewed by DC&E and County staff, and are provided below as background information:

*Policy 2.7: Allow for the conversion of agricultural land within LAFCo Spheres of Influence where land has been determined to be irretrievably lost to urbanization. These would likely be areas where urban development has surrounded or substantially encroached upon agricultural land and has limited its continued productive use.*

*Program 2.7: Limited conversion of agricultural land to urban uses could be permitted when the following criteria are met and mitigated:*

- *A general plan amendment and rezone application has been approved*
- *The lot(s) for which conversion are requested is adjacent to uses identified as other than agriculture or agricultural support uses, i.e. receiving plants, hulling plants*
- *The conversion will not be detrimental to existing agricultural operations*
- *The conversion land is adjacent to existing urban infrastructure and would constitute a logical contiguous extension of a designated urban area*
- *No feasible alternative exists which is less detrimental to agriculture*
- *Infill within the adjacent designated urban area has reached a 75% level of development. Development is defined as improvements to property including, but not limited to non-agricultural buildings or structures.*

The Stanislaus County General Plan policy, #3 above, could be interpreted in one of two ways: 1) discourage the conversion of agricultural land to residential uses; or 2) discourage the subdivision of agricultural land for uses that nominally are agricultural, but effectively change the use to residential or ranchette.

Regarding the first potential meaning, the conversion of agricultural land would generally occur through a land use designation change on the General Plan Land Use Map. The Preferred Land Use Alternative has already addressed this by designating the agricultural and non-agricultural areas. In addition, the County cannot legally prohibit agricultural land from being redesignated to non-agricultural uses through a future General Plan Amendment. Therefore, if the County's intent is to discourage the conversion of agricultural land through a land use designation change, this policy is unnecessary.

If the County intends for the policy to mean the second option, discouraging the subdivision of agricultural land that would effectively result in residential or ranchette uses, which would not necessarily require a change in the land use designation, there are a number of policy options from the Policy Alternatives document that address this issue. These have been provided in Section C of this memorandum for your consideration.

**4. Establish minimum allowable parcel sizes for agriculturally-designated lands that do not promote the expansion of existing, or creation of new ranchette areas.**

Similar to policy #2 above, DC&E recommends that the General Plan and Zoning Ordinance designations that will be refined and adopted as part of the General Plan 2030 update process establish minimum allowable parcel sizes. This policy would then already be accomplished, and would not need to be included in the General Plan.

**5. Participate in efforts to identify strategic agricultural land.**

DC&E recommends that, if this policy is included, it should be clarified to define the terms “participate in efforts” and “strategic agricultural land.” One possible option would be to clarify the policy as the following action item:

*Conduct a collaborative study that involves other agencies and the public to map strategic agricultural land that should be targeted for agricultural preservation. This process should include an outreach effort to agricultural stakeholders and the public to define strategic agricultural land, which could be based on soil type, crop/product economic value, aesthetic value, proximity to existing urban development, etc. The map of strategic agricultural land should be used to target land for agricultural preservation, such as for County or City agricultural mitigation programs.*

It should be noted that this policy would reflect a slightly different approach than that taken in the current Agriculture Element. Policy 1.5 of the Agriculture Element is:

*Conserve Orchard and Field Crops lands and Grazing and Open Lands as designated in the General Plan Land Use Map.*

Policy 1.5 implies that all land designated as either Orchard and Field Crops or as Grazing and Open Lands is equally important to conserve.

**6. Encourage cities to adopt an agricultural mitigation ordinance.**

DC&E recommends that this policy be clarified to the following policy:

*Encourage cities in Butte County to adopt an agricultural mitigation ordinance, in which developers would be required to permanently protect 1 acre of agricultural land in Butte County for every 1 acre of land that is proposed for re-designation from agricultural to residential use, or pay an in-lieu fee that would fund agricultural resource protection.*

***B. American Farmland Trust Policies***

The following policies from the American Farmland Trust were recommended for inclusion in the Butte County General Plan in response to Question 13, which states: “How should the county address the conversion of smaller agricultural parcels to non-agricultural uses?” These American Farmland Trust policies were recommended to replace all of the other policies included in the Policy Alternatives document for this question.

**1. Identify areas where conversion of small parcels should be discouraged.**

Rather than include this policy, DC&E recommends that the General Plan actively implement this policy through its Land Use Map. The Preferred Land Use

Alternative has already identified areas that are to remain in agricultural use. This policy would then already be accomplished, and would not need to be included in the General Plan.

**2. Identify areas where conversion of small parcels should be encouraged, such as areas where land is already divided in smaller lots and/or where public services are already located.**

Similar to policy 1 above, DC&E recommends that this be accomplished through the Land Use Map. The Preferred Land Use Alternative has already identified areas that should be changed to a non-agricultural use. This policy would then already be accomplished, and would not need to be included in the General Plan.

**3. In areas where conversion of small parcels to non-agricultural use is permitted:**

- a. **Establish a specific number of parcels that will be allowed to convert.**
- b. **Permit the subdivision of existing parcels.**
- c. **Adopt lot size standards, lot configuration, and buffers on small parcels to minimize conflicts with agriculture.**
- d. **Adopt graduated impact fees based on the distance of a new user from public services.**
- e. **Adopt a similar fee structure (as above) based on quality of soil and location.**
- f. **Establish a mitigation fee that would be levied on new development and use revenue from the fee to purchase agricultural easements in strategic farmland areas.**

DC&E does not recommend inclusion of any of these policies. Policies 3.a and 3.b have been accomplished through the Preferred Land Use Alternative, and Policy 3c will be accomplished through the Zoning Ordinance and Agricultural Buffer Guidelines. Policies similar to Policy 3d will be discussed during the Utilities and Public Services discussion (see Policies 28b, 29i and 29j in the Policy Alternatives document). DC&E does not recommend inclusion of Policy 3e because jurisdictions are prohibited by law from charging fees based on criteria other than the cost to provide services. Policy 3f has already been covered through Policy 1 of Section A of this memorandum (Stanislaus General Plan policies).

**4. In areas where conversion of small parcels to non-agricultural use is discouraged:**

- a. **Increase lot size to reflect viability (example: 40 acres for cropland, 160 acres for rangeland).**
- b. **Prohibit subdivision of land into smaller parcels.**
- c. **Continue to allow farm residences.**

**d. Adopt a Right-to-Farm ordinance that would require notification to landowners of small parcels in agricultural areas about the possible negative effects of agricultural activities.**

Policy 4.a has already been partially addressed in the Preferred Land Use Alternative, and the General Plan and Zoning Ordinance will establish appropriate lot sizes for the agricultural use. DC&E does not recommend that the General Plan include a policy about increasing lot sizes. Instead, we recommend that the General Plan actively implement that policy through the agricultural land use designations. However, the Planning Commission could recommend that the Board of Supervisors provide the following direction as part of the goals and policies development. This direction would be reflected in the agricultural land use designations descriptions in the Land Use Element, but would not be a specific policy.

*Increase minimum lot sizes of the agricultural land use designations to reflect the viability (e.g., 40 acres for cropland, 160 acres for rangeland).*

As described in Section A.3 of this memorandum, the Policy Alternatives document includes a number of policies that address the subdivision of agricultural land into smaller parcels; these policies are provided in Section C of this memorandum. DC&E recommends that Policy 4.b be considered in conjunction with these additional policies.

Regarding Policy 4.c, the agricultural land use designations in the existing General Plan currently permit a single-family residence by right on each parcel. The Planning Commission could recommend that the Board of Supervisors continue that policy or that they restrict residential uses through the following policy:

*Require a conditional use permit in order to use small farms as homesites.*

Policy 4.d is unnecessary because Butte County has already adopted a Right to Farm Ordinance (see Question 15 of the Policy Alternatives document), which includes notification requirements.

**C. Additional Recommendations**

For Question 13, which addresses the conversion of smaller agricultural parcels to non-agricultural uses, the CAC recommended that all of the policies included in the Policy Alternatives document be removed and replaced with the American Farmland Trust policies described in Section B above. However, with the recommendations described above, this issue may not be adequately addressed. Therefore, DC&E recommends that the Planning Commission reconsider the following additional policies from the Policy Alternatives document:

1. *Allow subdivision of new 5-acre agricultural parcels only where they will be used for specialty and/or unique crops in transition areas between agricultural and urban uses.*
2. *Develop stricter site design standards for development on agricultural parcels, to allow for the continuation of viable agricultural uses.*
3. *Require the preparation of an Agricultural Production and Stewardship Plan for new residential development on agricultural parcels. The Plan would demonstrate how the property would be kept in agricultural use, and would be reviewed and approved by the Butte County Agriculture Commissioner.*
4. *Allow agricultural support uses, such as processing facilities or outbuildings, on small parcels that are designated for agricultural uses if those parcels are no longer viable for active cultivation.*